

AGREEMENT

This **Agreement** is made by and between two parties, the City of Taunton, Commonwealth of Massachusetts, by its exclusive bargaining agent **Mayor Shaunna O'Connell**, hereinafter referred to as "The City," and **Anthony Abreau, Assistant Commissioner of Public Works**, hereinafter referred to as the "Assistant Commissioner of Public Works"

Whereas, the City is desirous of obtaining the services of the Assistant Commissioner of Public Works for the City of Taunton, MA; and

Whereas, the Assistant Commissioner of Public Works is willing to perform the duties of the position of Assistant Commissioner of Public Works according to the terms and conditions of this contract and the current job description, hereto attached; and,

Whereas, the Assistant Commissioner of Public Works will be considered a confidential, FLSA exempt, non-union employee of the City,

Now, therefore, in consideration of the promises, covenants, undertakings, terms and conditions herein contained, it is hereby mutually agreed by and between the parties hereto as follows:

DURATION OF THE AGREEMENT

This Agreement shall be effective beginning on the 17th day of January, 2022 and shall continue in full force and effect until the 30th day of June, 2025, or until such time that the Assistant Commissioner of Public Works resigns, retires or is removed from this position. Re-appointment to the position of Assistant Commissioner of Public Works shall be by and at the discretion of the Commissioner of Public Works, subject to approval of the Mayor, for a term not to exceed three years.

MODIFICATIONS

The terms and conditions of this contract may be modified or amended only by a written agreement signed by both parties.

DUTIES

The Assistant Commissioner of Public Works shall be responsible for all duties as described in the attached job description, the City Ordinances, and such additional duties related to the administration of City government as may be from time to time directed by the Commissioner of Public Works.

TIME & ATTENDANCE

The Assistant Commissioner of Public Works shall devote a minimum of forty (40) hours per work week to the City of Taunton, and shall be expected to work, at a minimum, during the usual and customary hours that City Hall is open, and at such other times as are directed by the Commissioner of Public Works. The Assistant Commissioner of Public Works shall report any scheduled or unscheduled absences to the Commissioner of Public Works. With respect to scheduled absences, the Assistant Commissioner of Public Works shall notify the Commissioner of Public Works reasonably in advance. The Assistant Commissioner of Public Works is an executive, administrative and/or professional position exempt from the overtime requirements of the Fair Labor Standards Act and it is the parties' intent that the position is not eligible for overtime.

DISCIPLINE OR DISMISSAL

The Assistant Commissioner of Public Works shall not be removed, discharged, dismissed, suspended or otherwise disciplined except for just cause.

HEALTH INSURANCE

The Assistant Commissioner of Public Works shall be eligible for all health insurance coverage that is provided for all other city employees. The City Treasurer/Collector shall deduct the Assistant Commissioner of Public Works' share of his health, dental, and life insurance premiums from his regular paychecks. The Assistant Commissioner of Public Works' health insurance contribution shall be identical in percentage to the percentage contribution contained for all other city employees. Additionally, the Assistant Commissioner of Public Works shall be eligible to participate in any voluntary/contributory benefit program offered to other general government employees.

PENSION

The present pension and retirement plans in accordance with Massachusetts General Laws, as amended and in effect in the City of Taunton, shall be applicable to the Assistant Commissioner of Public Works.

PERSONAL DAYS

The Assistant Commissioner of Public Works shall be entitled to five (5) days of paid personal leave each fiscal year. Said personal days may not be carried forward from one fiscal year into the next fiscal year. These days are redeemable for financial value upon leaving the employ of the City of Taunton up to a maximum of five (5) days. This Assistant Commissioner of Public Works has presently accumulated 28 hours of personal time prior to the date of this Agreement and shall be allowed to use said personal time in the current fiscal year, in addition to the five (5) days allotted under this contract, but at the end of the current fiscal year, no personal

days may be carried over, and thereafter the Assistant Commissioner of Public Works shall accrue five (5) days each ~~calendar~~ year.

MSC 3/4/22 Fiscal
COMPENSATION

Beginning the 17th day of January, 2022 the base salary for the position of Assistant Commissioner of Public Works shall be One Hundred Twenty Two Thousand (\$122,000.00) Dollars annually per fiscal year. The performance of the Assistant Commissioner of Public Works shall be reviewed annually by the Commissioner of Public Works by March 1 and will affect potential salary increases. Any merit increase may be recommended by the Commissioner of Public Works and is subject to approval of the Mayor and effective on July 1.

TRAVEL ALLOWANCE

The Assistant Commissioner of Public Works shall be entitled to a monthly travel allowance of \$175.00 per month paid during the first week of each month.

VACATION TIME

The Assistant Commissioner of Public Works shall accrue an annual allotment of 5 weeks of vacation. The allotment of vacation time provided herein is intended to preserve the Assistant Commissioner of Public Works vacation entitlement as existed under his prior union contract. Said 5 week allotment shall be distributed up front for the first year of this contract and shall accrue at a fixed monthly rate thereafter. If the Assistant Commissioner of Public Works does not use any portion of his vacation entitlement during a given fiscal year, he may carry over up to 1 time the annual allotment of unused vacation time from such fiscal year into the next fiscal year. There shall be a limit of 2 times the annual allotment of vacation time that may accrue to the Assistant Commissioner of Public Works at any given time.

Upon the Assistant Commissioner of Public Works' retirement, death or termination of employment for any reason, the Assistant Commissioner of Public Works shall redeem any unused and duly accrued vacation days at their then existing per diem value. The per diem value of each vacation day shall be one-fifth (1/5th) of the Assistant Commissioner of Public Works' regular weekly pay, not to exceed two times the annual allotment of vacation.

Notwithstanding the foregoing, this Assistant Commissioner of Public Works has previously accumulated 464.21 vacation hours as of the date of this Agreement and he shall be entitled to the full redemption amount for his 464.21 vacation hours so long as at the time of redemption said balance is still unused and available. Said 464.21 hours is retained by the Assistant Commissioner of Public Works in addition to and apart from the annual vacation allotment provided for herein.

Vacation allotment will be reviewed upon renewal of contract.

The Assistant Commissioner of Public Works, may, at his option, annually sell back up to two (2) weeks of vacation to the City. In order to exercise this option, the Assistant Commissioner of Public Works must provide notice to the City by no later than February 15 with payment to be made within the same fiscal year.

PAID HOLIDAYS

The following holidays shall be paid holidays for the Assistant Commissioner of Public Works:

New Year's Day	Labor Day
Martin Luther King Day	Columbus Day
President's Day	Veteran's Day
½ Day Good Friday	Thanksgiving Day
Patriot's Day	Day after Thanksgiving
Memorial Day	½ Day Christmas Eve
Juneteenth	Christmas Day
Independence Day	½ Day New Year's Eve

Any holiday declared by the City of Taunton or the Government of the Commonwealth of Massachusetts, shall be paid contractual holiday(s) for the Assistant Commissioner of Public Works.

In the event that any of the foregoing holidays fall on a Saturday, the holidays shall be observed on the preceding Friday. In the event that any of the foregoing holidays fall on a Sunday, the holiday shall be observed on the subsequent Monday.

SICK LEAVE

- (A) The Assistant Commissioner of Public Works shall be entitled to one and one quarter (1 ¼) days of sick leave with full pay, for each month of service. There shall be no limit to the number of unused days of sick leave that the Assistant Commissioner of Public Works may accumulate. The Assistant Commissioner of Public Works shall be entitled to his sick leave as it becomes earned.
- (B) The Assistant Commissioner of Public Works may use up to (7) of his accumulated sick leave days per year for illness in his immediate family or household, which, for purposes of this paragraph, shall be construed to include spouse, children, parents and other persons regularly residing in the Assistant Commissioner of Public Works' permanent residence.
- (C) Upon the Assistant Commissioner of Public Works' retirement, death or termination of employment for any reason, the Assistant Commissioner of Public Works, or in the case of his death, his spouse, designated beneficiary, next of kin or estate in that order shall redeem his unused accumulated sick leave days at their then existing per diem value in a lump-sum payment up to a maximum of four (4) weeks. The per diem value of each sick leave day shall be one-fifth (1/5th) of the Assistant Commissioner of Public Works' regular weekly pay. Notwithstanding the foregoing, this Assistant Commissioner of Public Works has previously accumulated 669.20 sick hours and he shall be entitled to the full redemption amount for his accumulated 669.20 sick hours in addition to and apart from the four (4) weeks referenced above

so long as at the time of redemption that balance is still unused and available, but in no event shall the total payment exceed \$13,000.00.

BEREAVEMENT LEAVE

The Assistant Commissioner of Public Works shall be allowed bereavement leave with pay upon the death of his spouse, or domestic partner, child, grandchild, brother, sister, parent, grandparent; or upon the death of the Assistant Commissioner of Public Works' spouse's child, parent, father or mother-in-law, brother, sister, grandparent or grandchild; or upon the death of a member of the Assistant Commissioner of Public Works' household. Such leave shall not exceed four days unless special permission is granted by the Mayor.

JURY LEAVE

The Assistant Commissioner of Public Works shall be granted time off without loss of pay for services on any local, state, or federal jury, including a grand jury.

PROFESSIONAL DEVELOPMENT

Employees will be allowed to attend conferences, seminars and educational courses subject to the Mayor's prior approval for professional development and awareness, with pay and without loss of any recognized leave time. The City will furthermore reimburse the Employee for all reasonable expenses associated with attending said approved conferences, seminars and educational courses including but not limited to travel and subsistence expenses. The City also agrees to pay for any professional dues, literature subscriptions, test preparation classes/services, and examinations fees for the Employee's professional development and education. The provisions of this Section are subject to (1) advance approval of the Mayor which shall not be unnecessarily withheld and (2) the availability of funds which shall be determined and made known to the employee at the time of Mayor's approval.

SEVERABILITY CLAUSE


If any provision of the agreement is deemed illegal or unenforceable then it shall be stricken and shall not affect the remaining provisions of this contract, which shall remain in full force and effect. Should there be a conflict between this employment agreement and the terms of any municipal ordinance, the terms of the ordinance shall control.


ELECTRONIC SIGNATURE AND COPIES

The parties agree that to the extent they sign electronically, their electronic signature is the legally binding equivalent to their handwritten signature. Whenever they execute an electronic signature, it has the same validity and meaning as their handwritten signature. They will not, at any time in the future, repudiate the meaning of their electronic signature or claim that their electronic signature is not legally binding. This agreement may be executed in any

number of counterparts, each of which when executed will be deemed to be an original, but all counterparts together shall constitute a single agreement. Any electronic copy, facsimile or other copy of this agreement may be treated as an original.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed on this 10th day of February, 2022.


Shaunna O'Connell, Mayor

 2/10/22
Anthony Abreau
Assistant Commissioner of Public Works

AS TO FORM AND CHARACTER:


Matthew J. Costa, City Solicitor

ASSISTANT DPW COMMISSIONER

Department of Public Works (DPW)

INTRODUCTION

The Assistant DPW Commissioner is a senior level management position located in the Office of the Commissioner of the Department of Public Works (DPW). Reporting to the DPW Commissioner, is responsible for assisting in the administration, management and direction of the activities of all DPW divisions, including administration, engineering, public buildings, sewer/drains, street/traffic, vehicle/equipment maintenance, water and weights & measures, as well as administration and management of contract operations of the wastewater treatment facility, regional sanitary landfill facility, solid waste collection and recycling collection. This position is covered by the *Collective bargaining Agreement between City of Taunton and City of Taunton Management Association*.

QUALIFICATIONS

Minimum qualifications for the Assistant DPW Commissioner position include a bachelor's degree in civil engineering (P.E. desirable, but not required) or a related discipline, five years of progressive experience in public works or closely related field, including three years of supervisory experience, or an equivalent combination of education and experience. The incumbent shall possess strong computer, excellent oral/written communications and exceptional public relations skills, be experienced in personnel management, budget preparation/management and capital projects planning/management, and have a thorough understanding of the activities of a municipal public works department. The incumbent shall possess a valid and current Commonwealth of Massachusetts Driver's License.

SUPERVISION

The Assistant DPW Commissioner reports directly to, and works under the general supervision of, the DPW Commissioner. The incumbent works in accordance with the general administrative direction of the Mayor and the policy direction of the Municipal Council. The incumbent works with significant independence, is afforded considerable latitude with regard to the means of accomplishing his or her duties and assignments, and a high degree of reliance is placed upon his/her ability to make sound judgments and decisions.

Errors in judgment and administration may have adverse effects on the City's ability to deliver services, and may result in lower standards of service, substandard construction and inadequate maintenance programs, with consequent danger to public safety. Errors in supervisory or financial decisions could have adverse legal and financial repercussions.

Through the DPW Commissioner, the incumbent is responsible for direct and indirect supervision of the activities of a department staff of 130+ unionized management, technical, supervisory, clerical and labor employees, as well as administration and management of a departmental \$10+ million annual operating budget.

The incumbent assumes the duties of the DPW Commissioner in his or her absence.

WORK ENVIRONMENT / CONDITIONS

The work of the Assistant DPW Commissioner is performed both inside and outside. Inside activities are performed under typical office conditions, and include the operation and use of telephones, fax machines, computers, printers, copiers and other standard office equipment. Outside activities frequently involve exposure to variable outdoor weather conditions and to the hazards associated with construction sites and public works activities. The incumbent regularly operates an automobile or other light duty vehicle in the course of performing his/her duties.

The physical demands of this position are representative of those that must be met by the incumbent to successfully perform the essential functions of this position. Reasonable accommodations may be made to enable individuals with disabilities to perform these essential functions. Incumbent is regularly required to walk, stand, sit, talk and hear, use hands to finger, handle, feel or operate objects, tools or controls, and reach with hands and arms as in physically picking up files, papers and other common office objects. Incumbent must occasionally lift and/or move objects weighing up to 30 pounds, such as a briefcase, books, supplies and other objects. Incumbent must be able operate a keyboard at a moderate speed. Incumbent must be able to access all levels of a construction site and traverse uneven terrain. Vision and hearing must be at, or correctable to, normal ranges.

Work hours are normally 40 hours per week, flexible between the hours of 7:00 AM and 5:00 PM depending upon department needs. Incumbent may work unusual hours as required to manage emergency response, snow and ice control program or other operations, and shall be required to attend Municipal Council, municipal boards or commissions, or other community meetings or events in the evenings or on weekends as directed.

PRIMARY AND ESSENTIAL DUTIES AND RESPONSIBILITIES

The primary and essential duties and responsibilities listed below are intended only as illustrative of the various types of work that may be performed, and are representative of those that must be met by the incumbent in order to perform the essential functions of this position. The omission of specific statements of specific duties or responsibilities does not exclude them from those of this position if the work is similar, related or a logical assignment to this position.

Listed below are the primary and essential duties and responsibilities of the Office of the DPW Commissioner. The Assistant DPW Commissioner shall have varying levels of involvement in all of these, having sole, partial and/or periodic responsibility as directed by the DPW Commissioner. These duties shall be performed directly by the incumbent or through delegation to subordinates.

- Develops implements, manages, administers and coordinates all DPW programs, projects and activities.
- Plans and monitors overall work schedules for timely implementation of programs and projects, and effectively manages any necessary coordination between individual DPW divisions.
- Advises DPW division heads on policy, procedure and standards for implementation of projects and programs.

- Develops, implements and monitors progress and achievement of department goals and objectives.
- Prepares departmental operating and capital budgets in consultation with division heads, and presents and justifies budget(s) to Mayor, Municipal Council and the public.
- Regularly monitors the status of budget(s), making adjustments or recommendations to amend budget(s) as appropriate.
- Exercises procurement and purchasing authority in DPW consistent with City and state policies and procedures.
- Administers and approves all expenditures, including payroll, procurements and contracts for construction, facility operation, and other outside contracted services.
- Manages and administers outside operations contracts for wastewater treatment facility, regional sanitary landfill facility, solid waste collection, recyclables collection and other such contracts as directed.
- Regularly consults with the DPW Commissioner regarding ongoing, special and future department projects and programs.
- Attends and represents the City and/or the DPW at a variety of meetings, both within and outside the City, with City officials, other City departments and agencies, citizens and civic organizations, federal, state and local regulatory agencies and others as directed.
- Responds promptly, courteously and effectively to complaints, concerns and questions from the public, other City departments, City officials and other constituents.
- Maintains frequent and effective communications with federal, state and local regulatory agencies to ensure compliance with all laws, regulations and permits applicable to the operation of regulated City facilities, projects, programs and activities.
- Researches availability of, and prepares applications for, grants and/or loans for federal or state funding assistance for public works projects and programs.
- Researches and prepares specifications, plans and/or bid documents for a variety of public works projects, equipment, supplies and materials.
- Oversees management of department personnel, including administration, labor relations, training, staffing and evaluation of employees, and responds appropriately to union grievances in accordance with local collective bargaining agreements.
- Ensures proper confidentiality and maintenance of department personnel records.
- Attends professional meetings and seminars in order to keep abreast of changes or trends in DPW and related fields and to remain familiar and current with Massachusetts laws and regulations concerning department operations.
- Maintains active membership in a variety of professional associations in order to take best advantage of networking opportunities with professional counterparts and of technical and managerial informational sources relating to DPW activities.
- Responds to special requests as necessary.
- Performs similar or related duties as required, directed or as situations dictate.

KNOWLEDGE, ABILITIES AND SKILLS

- Knowledge of contemporary administration and management practices and techniques.
- Knowledge of federal, state and local laws, regulations and policies which govern public works facilities, operations, projects and activities.
- Knowledge of federal, state and local regulations and policies governing procurement of services/materials related to public works operations, maintenance and construction.

- Knowledge of rural road and municipal street construction, maintenance and repair.
- Knowledge of Massachusetts Chapter 90 Street Improvements Program.
- Knowledge of Manual on Uniform Traffic Control Devices (MUTCD).
- Knowledge of snow and ice control programs, methods and techniques.
- Knowledge of storm water system construction, maintenance and repair.
- Knowledge of water supply, distribution system and treatment facility construction, maintenance and repair.
- Knowledge of wastewater collection, treatment and disposal facility construction, maintenance and repair.
- Knowledge of sanitary landfill operations and solid waste collection programs.
- Knowledge of solid waste recycling programs.
- Knowledge of vehicle and equipment procurement, maintenance and repair.
- Knowledge of operations of, and regulations governing, a municipal weights and measures testing and certification program.
- Knowledge of public building construction, maintenance and repair.
- Knowledge of municipal planning, zoning, development and inspection programs.
- Knowledge of contract negotiation, management and administration.
- Knowledge of capital project planning and management.
- Knowledge of computer systems, software and applications.
- Knowledge of Geographical Information Systems (GIS).
- Knowledge of public works financing, budget preparation and management and financial reporting.
- Knowledge federal, state and local grant and loan programs for public works project funding assistance.
- Knowledge of labor collective bargaining agreements.
- Ability to plan, schedule, assign and supervise the work of groups of employees engaged in a variety of public works design, construction and maintenance operations.
- Ability to establish and maintain effective and harmonious working relation ships with City officials, department heads, state/federal agencies and the general public.
- Ability to deal with employees tactfully and effectively and maintain good employee labor relations and morale.
- Possess excellent skills in goal setting, implementation and monitoring.
- Possess excellent customer service and public relations skills.
- Possess excellent leadership skills.
- Possess excellent oral and written communication and public speaking skills.

This job description does not constitute an employment agreement between the employer and employee, and is subject to change by the employer, as the needs of the department and requirements of the job change.